

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS,
CONCERNING H.R. 182, A BILL TO EXTEND THE AUTHORIZATION FOR THE
CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.**

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 182, a bill to extend the authorization for the Cape Cod National Seashore Advisory Commission (Commission).

The Department does not support H.R. 182. This bill would reauthorize the Commission until September 26, 2028, retroactive to September 26, 2018, the date that the Commission's authority to operate terminated.

The retroactive extension included in the bill would enable the Commission to function with the same charter and membership it had previously. The Commission was originally authorized in 1961 as a part of Public Law 87-126, the Cape Cod National Seashore's enabling legislation, and began operation in 1966. It has been reauthorized by Congress several times even though the enabling legislation called for the Commission to be terminated ten years after the Seashore was established.

The Department does not see a compelling reason to extend the authorization of the Commission, especially at a time when we are focusing resources on reducing the \$11.9 billion backlog of deferred maintenance in national park units and addressing other critical park needs. However, if the Subcommittee takes action on this bill, the Department recommends one change to the Commission's statutory role. Currently, the law that established the Commission [16 U.S.C. 459b-7(g)] states that no permit for the commercial or industrial use of property located within the seashore shall be issued, nor shall any public use area for recreational activity be established within the seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought. We recommend this provision be deleted as it is unprecedented for an advisory commission to have this kind of statutory role in park management decisions.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 307, A BILL TO PROVIDE FOR PARTNERSHIPS AMONG STATE AND LOCAL GOVERNMENTS, REGIONAL ENTITIES, AND THE PRIVATE SECTOR TO PRESERVE, CONSERVE, AND ENHANCE THE VISITOR EXPERIENCE AT NATIONALLY SIGNIFICANT BATTLEFIELDS OF THE AMERICAN REVOLUTION, WAR OF 1812, AND CIVIL WAR, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 307, a bill to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes.

The Department recognizes the need to proactively preserve and protect nationally significant battlefields of the American Revolution, War of 1812, and Civil War. The National Park Service successfully achieves these goals through the American Battlefield Protection Program, which H.R. 307 would expand.

H.R. 307 would authorize appropriations of \$20,000,000 to the Secretary for each fiscal year through 2028 to provide funding to State and local governments to acquire interests in eligible sites for their preservation and protection. The legislation would allow the use of up to ten percent of the annual appropriation for projects other than land acquisition. These projects include up to \$1,000,000 awarded through a competitive grant process to non-profit organizations for programs and projects that improve battlefield interpretive and educational assets and technologies, and up to \$1,000,000 awarded through a competitive grant process to non-profit organizations for the restoration of land preserved through the Battlefield Land Acquisition Program to its historic appearance. The Department supports these additional uses of the acquisition program funds, but recommends amending H.R. 307 to ensure that any restoration is performed in accordance with the Secretary of the Interior's standards for historic preservation.

The American Battlefield Protection Program (ABPP) was authorized by Congress in 1996 and directed the Secretary to encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields. The law authorized annual appropriations of \$3,000,000 to carry out this purpose as part of the national historic preservation program through a variety of financial assistance mechanisms.

The program was amended in 2002 to direct the Secretary to establish a battlefield land acquisition grant program, and authorized an annual appropriation of \$10,000,000 to provide grants to state and local governments to acquire interests in eligible Civil War battlefields for their preservation and protection. This program is authorized through FY 2021. Additionally, in 2014, Congress expanded eligibility for the established battlefield land acquisition program to qualifying sites identified in the National Park Service's report on the Revolutionary War and War of 1812.

The ABPP annually awards Battlefield Preservation Planning Grants to Federal, state, tribal, and local governments and nonprofit/educational institutions to support planning and preservation projects, including interpretation and education programs, at historic battlefields. Any battlefield on American soil is eligible for this grant source. Approximately 18 to 25 planning grants are awarded each fiscal year. Since 1993, ABPP has awarded more than 625 Battlefield Preservation Grants, totaling close to \$22 million, for the preservation and interpretation of more than 300 battlefields in nearly every state and in four U.S. territories.

ABPP also awards money from the Land and Water Conservation Fund for Battlefield Land Acquisition grants to assist state and local governments in preserving threatened battlefields. Qualified grants, which require a dollar-for-dollar non-Federal match, are awarded on a rolling basis and prioritize significant and/or threatened properties. The program works with State Historic Preservation Officers to ensure that appropriate protections are legally executed to ensure the preservation of historic resources in perpetuity. Approximately 25 to 30 grants are awarded each fiscal year. The ABPP has awarded nearly 400 grants to date, totaling over \$125 million. Through these successful preservation partnerships, the program has leveraged approximately \$159 million in matching funds resulting in the protection of over 31,000 acres at 120 battlefields in 19 states.

We would welcome the opportunity to work with the Committee on amending the bill as described earlier in this statement.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 473, A BILL TO AUTHORIZE THE EVERY WORD WE UTTER MONUMENT TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on H.R. 473, a bill to authorize the Every Word We Utter Monument to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

Although the Department recognizes the value of having a monument to the women’s suffrage movement in the Nation’s capital, especially as we approach the 100th anniversary of the passage of the 19th Amendment, we ask that the committee defer action on the bill until the organization that would be authorized to establish the memorial attains 501(c)(3) status under the Internal Revenue Code.

H.R. 473 would authorize the organization named Every Word We Utter Monument to sponsor the establishment of a commemorative work that would honor the magnitude of the suffragists’ 70-year effort to pass the 19th Amendment. The legislation suggests that the monument would depict specific design elements to include a sculptural portrait to honor suffragist leaders Susan B. Anthony, Elizabeth Cady Stanton with her daughter Harriot Stanton Blatch, Sojourner Truth, Alice Paul, and Ida B. Wells. The bill also identifies a preferred location of the monument as Area II – a geographic designation in the Commemorative Works Act (CWA), 40 U.S.C. Chapter 89 - near the Belmont-Paul Women’s Equality National Monument and the Supreme Court. H.R. 473 prohibits Federal funds from being used to establish the monument.

Although the monument description and location preference language are only included in the Findings section of the bill, they run counter to the spirit of the CWA. Congress crafted the CWA to provide for a review framework and for an approval process to determine design and location of commemorative works. The CWA process is critical to maintaining integrity in placement and design of our Nation’s monuments and memorials in the Nation’s capital.

Also, the CWA includes in the definition of a “sponsor” of proposed commemorative work “an individual, group or organization that is described in section 501(c)(3)...”. While the Every Word We Utter Monument organization is in the process of attaining this official status, it does not yet hold this designation. We believe it would be wise for the committee to wait until the Every Word We Utter Monument organization can meet the definition of sponsor under the CWA before acting on this legislation.

Finally, we note that H.R. 473 provides that unspent funds raised for the construction of the monument be provided to the “National Park” for deposit in an interest-bearing account as stated in 40 U.S.C. Section 8906(b)(3). This is a provision we strongly support including in all legislation authorizing commemorative works under the CWA. However, we recommend the bill be amended to direct these funds to the “National Park Foundation” as they hold the stated account. The remaining language in the bill regarding the responsibility of the Every Word We Utter Monument and the expiration of authority are in keeping with CWA process and the procedure for all authorized monuments and memorials.

The National Park Service is proud to be the steward of monuments, memorials and sites throughout the Washington, D.C. metropolitan area that educate the public about women’s history and commemorating the lives and accomplishments of women. The Clara Barton National Historic Site, located in Glen Echo, Maryland, interprets the life of Clara Barton, an American pioneer teacher, nurse, and humanitarian who was the founder of the American Red Cross. The Mary McLeod Bethune Council House and statue, both located in Washington, D.C., commemorate Ms. Bethune’s dedication to education, the value of universal love, and the wise and consistent use of political power in striving for racial and gender equality. Other National Park Service sites in the National Capital Region commemorate important female leaders like Eleanor Roosevelt, Lady Bird Johnson, the dedicated women of the Armed Services, and the suffragists who led and won the fight for the 19th Amendment at the Belmont-Paul Women’s Equality National Monument. A memorial to the 19th Amendment, if authorized in accordance with the CWA, would be a fitting addition to the places in the Nation’s capital where women’s achievements and contributions are honored.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 1130, A BILL TO CONDUCT A STUDY OF FORT PILLOW HISTORIC STATE PARK IN HENNING, TENNESSEE, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you today and present the Department's views on H.R. 1130, a bill to conduct a study of Fort Pillow Historic State Park in Henning, Tennessee, and for other purposes.

The Department recognizes that Fort Pillow would be an appropriate subject for a National Park Service special resource study. Currently, we are focusing resources on reducing the National Park Service's \$11.9 billion deferred maintenance backlog and addressing other critical national park needs. In addition, the National Park Service has not yet completed 30 studies on other sites that Congress previously authorized to determine if specific areas meet the appropriate criteria for designation as new park units, national heritage areas, national trails, or wild and scenic rivers.

Fort Pillow, an earthen structure constructed by Confederate engineers, was situated on a high clay bluff at the junction of Cold Creek and the Mississippi River, approximately 40 miles north of Memphis. Today, the site is part of a state historic park and is open to the public.

In May 1862, Fort Pillow was held by Union forces to prevent Confederate interference with shipping along the river. In April, 1864, the fort was attacked by Confederate forces under the command of Major General Nathan Bedford Forrest. At that time, the fort was garrisoned by approximately 570 Union troops, of whom 262 were African-American. Once the Confederates were inside the fort, effective resistance ceased. Some of the Union troops fled, while others surrendered. The Confederates refused to accept the surrender of the black soldiers, and 229 of the 262 were killed. The survival rate of black soldiers was just 12 percent, compared to 55 percent for the garrison as a whole.

A congressional committee investigated the battle and concluded that Confederate soldiers had committed atrocities against black soldiers. News of the massacre had a profound effect upon black soldiers in other units. Anticipating that no quarter would be given to them in battle, black troops, keeping the fate of the Fort Pillow garrison in mind, had still another reason to fight in the Union cause. "Remember Fort Pillow!" became a battle cry for black soldiers.

Fort Pillow was listed on the National Register of Historic Places in 1973 and designated as a National Historic Landmark in 1975. The National Historic Landmark documentation notes that the events that occurred at Fort Pillow are of national significance because "they clearly establish

the refusal of the Confederates to treat black men as soldiers; they symbolize the Southern view of the future for blacks in the South; [and] they hardened the resolve of black soldiers to fight so as to give every possible support to the Union cause in future engagements in the war.”

If the Committee decides to act on H.R. 1130, we recommend amending section 3 of the bill to correct the name of the National Park System and to provide that the study to be conducted in accordance with the criteria under 54 U.S.C. 100507, as is standard for bills authorizing special resource studies. We would be happy to provide the recommended language.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 1179, A BILL TO AMEND TITLE 54, UNITED STATES CODE, TO ESTABLISH WITHIN THE NATIONAL PARK SERVICE THE AFRICAN-AMERICAN BURIAL GROUNDS NETWORK, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 1179, a bill to amend title 54, United States Code, to establish within the National Park Service the African-American Burial Grounds Network, and for other purposes.

The Department recognizes the important contribution to America's story that is represented by African-American burial grounds; however, we do not support H.R. 1179 at this time. Establishing an African-American Burial Ground Network could be one way to increase public awareness of these overlooked and forgotten sites, but it may not be the most appropriate or feasible way to do so. In addition, at a time when the Department is focusing resources on reducing the National Park Service's \$11.9 billion deferred maintenance backlog and addressing other critical national park needs, it would be difficult to prioritize a new program without having a better understanding of how it would relate to other National Park Service resources and needs. If the Committee acts on this legislation, we recommend amending the bill to provide for a study rather than establishment of a new program.

H.R. 1179 would establish the African-American Burial Grounds Network (Network) to include burial grounds that relate to the historic African-American experience. The Network would identify, document, preserve, research, evaluate, and interpret these burial grounds. Unmarked and unrecorded African-American burial grounds would be documented with the information publicly available if privacy and safety of the burial ground allow.

H.R. 1179 would also allow the Secretary to issue public grants and/or enter into cooperative agreements with governmental, educational, and non-profit organizations to help identify, preserve, interpret, and research sites in the Network.

The National Park Service would want a program like this one to be successful and sees the great challenge in managing something of this scale and magnitude without the appropriate administrative funding. The potential number of African-American burial grounds from the 17th Century to the 20th Century is enormous; locating and protecting these sites while also developing the Network in all the ways the bill describes would be incredibly challenging and costly.

In addition, many African-American burial grounds were deliberately unmarked to facilitate a final resting place, particularly during the period of U.S. enslavement. The National Park Service

would want to ensure that any effort to protect these sites from disturbance is appropriate, and will not ultimately cause the damage and disturbance this bill hopes to avoid. Great care and consideration should be given to whether the sites should be marked at all, and to keep in mind that sites could become open to looting, damage, or vandalism if their locations were publically known.

We also note that the National Park Service currently administers two existing networks (the National Underground Railroad Network to Freedom and the African American Civil Rights Network) and are working to set-up two new networks that were recently established under P.L. 116-9 (Reconstruction Era National Historic Network and a program to commemorate and interpret the Transcontinental Railroad after first conducting a study of alternatives for the program).

For these reasons, if the Committee chooses to act on this bill, we recommend amending H.R. 1179 to provide for a study to determine the most appropriate way to recognize historic African-American burial grounds in lieu of establishing a Network. We would be happy to provide suggested language for such an amendment.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 1248, A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE CERTAIN RIVER SEGMENTS WITHIN THE YORK WATERSHED IN THE STATE OF MAINE AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 1248, a bill to amend the Wild and Scenic Rivers Act to designate certain river segments within the York watershed in the State of Maine as components of the National Wild and Scenic River System, and for other purposes.

Initial review indicates that the segments proposed for designation under this bill may be eligible for inclusion in the National Wild and Scenic Rivers System (System). However, the study report is only in the preliminary internal review stage. We recommend that the committee defer action on H.R. 1248 until the study is completed.

H.R. 1248 would designate eight segments of the York River totaling 30.8 miles as part of the System, to be administered by the Secretary of the Interior as a recreational river. The segments would be managed in accordance with the York River Watershed Stewardship Plan (August 2018) prepared as a part of the study, with the Secretary coordinating administration and management with a locally based stewardship committee, as specified in the plan. The bill would authorize the Secretary to enter into cooperative agreements with the State of Maine, the municipalities of Eliot, Kittery, South Berwick, and York, and appropriate local, regional, or State planning, environmental, or recreational organizations. The legislation follows the model of other recent New England Wild and Scenic River designations based on a “partnership” model emphasizing locally based management solutions and a limited federal role.

The study of the York River was authorized by P.L. 113-291, the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015. The National Park Service has conducted the study in close cooperation with the adjoining communities, the State of Maine, the Wells National Estuarine Research Reserve, and other interested local parties. Technical assistance provided as a part of the study made possible the development of the York River Watershed Stewardship Plan (August 2018). This plan is based primarily around local partner actions designed to guide the stewardship of certain segments the York River with or without a National Wild and Scenic River designation.

If H.R. 1248 is enacted, segments of the York River and its tributaries would be administered as a partnership wild and scenic river, similar to several other designations in the Northeast,

including the upper Farmington River and the Eightmile River in Connecticut, and the Lamprey River in New Hampshire.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS,
CONCERNING H.R. 1472, TO RENAME THE HOMESTEAD NATIONAL MONUMENT
OF AMERICA NEAR BEATRICE, NEBRASKA, AS THE HOMESTEAD NATIONAL
HISTORICAL PARK.**

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 1472, to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park.

The Department supports H.R. 1472, as we believe that the name "Homestead National Historical Park" is an appropriate designation for this unit of the National Park System.

The Homestead National Monument of America was authorized by Congress in 1936, after acquisition of the site of the Daniel Freeman homestead, as a lasting memorial to the settlers who built the American West. The Freeman homestead was one of the first sites successfully claimed under the Homestead Act, which was enacted in 1862 to encourage the settlement of Western lands by offering ownership of 160 acres of land to heads of households who agreed to live on and farm the land for five years.

In 1971, legislation was passed to add the Freeman School, an original one-room prairie schoolhouse. Today, the park also includes the Homestead Heritage Center with interactive displays and 100 acres of tallgrass prairie restored.

The National Park Service encourages Congress to designate units of the National Park System in accordance with a standard pattern of nomenclature. Homestead National Monument of America", with the addition "of America" to the title "national monument" has made it an anomaly. Redesignating the unit as a national historical park would give the park a name that is one of the National Park Service's standard designations, and one that is appropriate for a unit that is large and has a complexity of physical resources. This renaming would not have a significant financial impact as the park would update maps and signage as a part of routine maintenance and reordering of interpretive materials.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 1487, TO CONDUCT A SPECIAL RESOURCE STUDY OF PORTIONS OF THE LOS ANGELES COASTAL AREA IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 1487, a bill to direct the Secretary of the Interior to conduct a special resource study of portions of the Los Angeles coastal area in the State of California to evaluate alternatives for protecting resources of the coastal area, and for other purposes.

The Department recognizes that this study area contains some valuable natural and cultural resources and opportunities for outdoor recreation. However, currently we are focusing resources on reducing the National Park Service's \$11.9 billion deferred maintenance backlog and addressing other critical national park needs. In addition, the National Park Service has not yet completed 30 studies current underway on other sites that Congress previously authorized to determine if these specific areas meet the appropriate criteria for designation as new park units, national heritage areas, national trails, or wild and scenic rivers.

This study authorized by this bill would determine whether the area meets the statutory criteria for inclusion in the National Park System of national significance, suitability, feasibility, and the need for National Park Service management. The study would evaluate alternatives including expanding the Santa Monica Mountains National Recreation Area and redesignating it as the "Santa Monica Mountains and Los Angeles Coast National Recreation Area" or creating a new coastal recreation area designated as the "Los Angeles Coast National Recreation Area." This study would also consider other alternatives for preservation, protection, and interpretation of the area's resources by the Federal government, State or local government entities, or private and non-profit entities.

The study area includes the coastline of Santa Monica Bay and adjacent areas, from Will Rogers State Beach to Torrance Beach, including the areas in and around Ballona Creek and the Baldwin Hills and the San Pedro Section of the City of Los Angeles, excluding the Port of Los Angeles north of Crescent Avenue. The Department has concerns about the extent of the study area including the amount of private property within the area, the number of mandated consulting parties, and the list of prescribed alternatives and specific objectives, which are not typically included in a special resource study. If the committee decides to act on this bill, we would appreciate the opportunity to recommend amendments to address these issues.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 2369, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF ALTERNATIVES FOR COMMEMORATING LONG ISLAND'S AVIATION HISTORY, INCLUDING A DETERMINATION OF THE SUITABILITY AND FEASIBILITY OF DESIGNATING PARTS OF THE STUDY AREA AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 2369, a bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating Long Island's aviation history, including a determination of the suitability and feasibility of designating parts of the study area as a unit of the National Park System, and for other purposes.

The Department recognizes that Long Island played an important role in the development of American aviation throughout the 20th Century. However, as described below, we do not think that the sites associated with Long Island aviation as identified in this bill would be good candidate subjects for a special resource study. Furthermore, we currently are focusing resources on reducing the National Park Service's \$11.9 billion deferred maintenance backlog and addressing other critical national park needs. In addition, the National Park Service has not yet completed 30 studies that Congress has previously authorized to determine if certain areas or resources meet the appropriate criteria for designation as new park units, national heritage areas, national trails, or wild and scenic rivers.

A National Historic Landmark Theme study on American Aviation Heritage was completed by the National Park Service's National Historic Landmarks Program and the United States Air Force with a final revised edition issued in 2011. Theme studies are an effective way of identifying and nominating historic properties as National Historic Landmarks or to the National Register of Historic Places because they provide a comparative analysis of properties associated with a specific area of American history such as aviation heritage. They provide a national historic context for a specific topic in American history that serves as a basis for evaluating the national significance for a number of related properties.

The theme study identified many of the historically important Long Island accomplishments that are highlighted in the Findings section of this bill. However, it appears unlikely that these resources would meet the criteria for national significance – the first and most critical criteria considered when evaluating areas for possible inclusion in the National Park System. The study did not recognize any properties in the proposed study area as being nationally significant nor did it recommend any properties in the proposed study area for further study. The study did recommend that a number of relevant properties be removed from further study.

The theme study noted that Belmont Park in Elmont, NY is significant for its association with the first regularly scheduled airmail service in the United States that started on May 15, 1918, between New York and Washington, D.C. This appears to correspond with the bill's findings on Curtiss Field. Belmont was chosen as the New York terminus for its open space and stands for spectators. Belmont closed in 1963 due to structural deterioration. A \$30 million facelift rebuilt the grandstand, club house and other public conveniences. The park's original racing strips, 1½-mile main course, cottages, barns, and other architectural and landscaping elements remained intact. Belmont opened on May 20, 1968, and is still in operation. However, the new racetrack was built on top of the field used by the early exhibition and airmail pilots and therefore no longer retains integrity.

Further, the theme study indicated that Hazelhurst Field, Mineola, NY (corresponding with Roosevelt Field) was an important terminus and departure point for military, and record-setting speed and distance flights during the golden age of aviation including Charles Lindbergh's 1927 transatlantic flight. The airfield was established in 1911 and became an army flying field in 1917. It was also an important departure point and terminus for transcontinental and transatlantic airmail. The airfield was the departure site of the first transcontinental airmail flight in September 1920 and the terminus of the first day/night transcontinental airmail flight in February 1921. Hazelhurst closed in 1951 to make way for the first shopping mall in the United States.

For properties to meet the criteria for national significance, it is essential that they retain a high degree of integrity as a true, accurate, and relatively unspoiled example of the resource. Post World War II development on western Long Island appears to have impacted many of these notable resources leaving little if any of the original sites. For this reason, we do not think that the sites associated with Long Island Aviation as identified in this bill are good candidate subjects for a special resource study.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 2490, A BILL TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY ON THE FEASIBILITY OF DESIGNATING THE CHIEF STANDING BEAR NATIONAL HISTORIC TRAIL, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you today and present the Department's views on H.R. 2490, a bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes.

The Department recognizes that the Chief Standing Bear Trail would be an appropriate subject for study as a potential national historic trail. However, currently we are focusing resources on reducing the National Park Service's \$11.9 billion deferred maintenance backlog and addressing other critical national park needs. In addition, the National Park Service has not yet completed 30 studies on other sites that Congress previously authorized to determine if specific areas meet the appropriate criteria for designation as new park units, national heritage areas, national trails, or wild and scenic rivers.

H.R. 2490 would amend Section 5(c) of the National Trails System Act by directing the Secretary to conduct a study of the Chief Standing Bear Trail for consideration for inclusion in the National Trails System. The proposed trail would extend approximately 550 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, following the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal, and their return route from Oklahoma back to Niobrara, Nebraska.

Chief Standing Bear was born around 1829 in the traditional Ponca homeland near the confluence of the Niobrara and Missouri rivers. About thirty years later, the tribe sold its homeland to the United States, retaining a 58,000-acre reservation between Ponca Creek and the Niobrara River. When the federal government created the Great Sioux Reservation in 1868, the Ponca Reservation was included within its boundaries, depriving them of title to their remaining lands. In 1877, the federal government decided to remove the Poncas to Indian Territory. Standing Bear, a tribal leader, protested his tribe's eviction. Federal troops enforced the removal orders and the Poncas arrived in Indian Territory in the summer of 1878.

After leaving Nebraska, one-third of the tribe had died and nearly all of the survivors were sick or disabled. This included Chief Standing Bear's sixteen-year old son, who died in late December 1878. Wanting to honor his son's last wish to be buried in the land of his birth, Standing Bear gathered a few members of his tribe and started north for the Ponca homeland in early January 1879, reaching the reservation of their relatives, the Omahas, about two months

later. Standing Bear carried his son's bones with him to be buried in the familiar earth along the Niobrara River.

Because Indians were not allowed to leave their reservation without permission, Standing Bear and his followers were labeled a renegade band. The Army, on the order of the Secretary of the Interior, arrested them and took them to Fort Omaha, where they were to be held before being returned to Indian Territory. General George Crook, however, sympathized with Standing Bear and his followers and asked Thomas Henry Tibbles, an Omaha newspaperman, for help. Tibbles took up the cause and secured two prominent Omaha attorneys to represent Standing Bear.

The lawyers filed a federal court application for a writ of habeas corpus to test the legality of the detention, basing their case on the 14th Amendment to the Constitution. The government disputed the right of Standing Bear to obtain a writ of habeas corpus on the grounds that an Indian was not a "person" under the meaning of the law. In a landmark decision, U.S. District Court Judge Elmer S. Dundy ruled in favor of Standing Bear, reasoning that he and his band were indeed "persons" under the law, entitled to sever tribal connections, and were free to enjoy the rights of any other person in the land. The government appealed Dundy's decision, but the Supreme Court of the United States refused to hear the case, leaving Standing Bear and his followers free in the eyes of the law. Standing Bear died in 1908 and was buried alongside his ancestors in the Ponca homeland.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE
AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS,
CONCERNING H.R. 2525, A BILL TO ESTABLISH THE STEEL VALLEY NATIONAL
HERITAGE AREA IN THE STATES OF PENNSYLVANIA AND OHIO, AND FOR
OTHER PURPOSES.**

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you today and present the Department of the Interior's views on H.R. 2525, a bill to establish the Steel Valley National Heritage Area in the States of Pennsylvania and Ohio, and for other purposes.

The Department recognizes that in the proposed Steel Valley National Heritage Area, in Mercer and Lawrence Counties in Pennsylvania, and Trumbull and Mahoning Counties in Ohio, certain aspects of the steel industry history on the landscape may still be seen and experienced by communities today. However, a feasibility study of the area has not yet been conducted, and, therefore, has not been reviewed by the National Park Service to determine if it meets criteria as a national heritage area. In addition, the Administration has proposed no funding assistance for national heritage areas in FY 2020 in order to focus resources on addressing the \$11.9 billion deferred maintenance backlog and other critical park needs.

These areas in Pennsylvania and Ohio share a rich history in the steel industry. In the early 20th Century, the Mahoning Valley was the leading steel producer in Ohio. In western Pennsylvania, steel was central to the vitality of the region for decades. The proposed heritage area includes 28 historic steel mill sites. These mills built America's cities, railroads, skyscrapers, and highways and provided economic opportunity for hardworking families. The steel industry remains an integral part of the area's cultural and economic lifeblood. However, without a study, we are not able to assess whether the necessary conditions exist to form and implement a national heritage area that will be successful in preserving and interpreting the resources associated with the history and culture of the steel industry in this area.

Ms. Chairwoman, this concludes my statement. I would be pleased to respond to any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 1088, A BILL TO AUTHORIZE THE SOCIETY OF THE FIRST INFANTRY DIVISION TO MAKE MODIFICATIONS TO THE FIRST DIVISION MONUMENT LOCATED ON FEDERAL LAND IN PRESIDENTIAL PARK IN DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 1088, a bill to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on Federal land in Presidential Park in the District of Columbia, and for other purposes.

The Department appreciates the effort to recognize the servicemen and women who gave their lives while serving with the First Infantry Division during Operations Desert Storm, Iraqi Freedom and New Dawn, and Enduring Freedom, and does not object to H.R. 1088. We note that although the modifications authorized by the bill are inconsistent with the Commemorative Works Act (CWA) enacted in 1986, the National Capital Memorial Advisory Commission has found that H.R. 1088 appears to be consistent with the original 1924 purpose of the First Division Monument and with subsequent 1957, 1977 and 1995 Congressional authorizations for additional names.

H.R. 1088 would authorize the Society of the First Infantry Division to modify the existing First Division Monument, located in President's Park, including placing plaques, and stone plinths on which to place the plaques, that list the names of the members of the First Infantry Division who died during Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom.

The First Division Monument was conceived by the Society of the First Division, the veteran's organization of the U.S. Army's First Division, to honor the soldiers who fought in World War I. The monument was dedicated on October 4, 1924, by President Calvin Coolidge. Since that time, it has been modified several times. In 1957, the monument was expanded in order to recognize the First Infantry Division soldiers who died in World War II. A Vietnam War addition was dedicated in 1977, and a Desert Storm plaque was included in 1995.

The First Division Monument is located in an area designated by Congress in the 2003 amendments to the CWA as the Reserve – an area in which no new commemorative works shall be located. As Congress noted in the law creating the Reserve, "...the great cross-axis of the Mall in the District of Columbia...is a substantially completed work of civic art; and ...to preserve the integrity of the Mall, a reserve area should be designated...where the siting of new commemorative works is prohibited." The First Division Monument's location within the

Reserve means that it is part of this completed work of civic art. As such, an addition to the existing monument would be inconsistent with this prohibition.

Furthermore, section 2(b) of H.R. 1088 includes an explicit exemption from two sections of the CWA, section 8903(b) and section 8903(c). Section 8903(b) provides that memorials to an individual unit of an armed force may not be authorized, and that memorials are limited to those that commemorate a branch of the armed forces. The First Division is an individual unit of the Army. Section 8903(b) also provides that commemorative works to a major military conflict may not be authorized until at least 10 years after the officially designated end of the conflict. This time period has not elapsed for Operation Iraqi Freedom and New Dawn, or for Operation Enduring Freedom. With respect to Section 8903(c), this exemption does not appear to be necessary, as this section applies to non-military groups and individuals.

We also note that the national park unit where the monument is located is named President's Park rather than Presidential Park which is referenced in the bill's long and short titles as well as Sec. 2(a).

Finally, the Department notes that at the May 15, 2018, meeting of the National Capital Memorial Advisory Commission, the Commission reviewed H.R. 5424, a bill substantively identical to H.R. 1088. It was the consensus of the Commission that while they ordinarily hold strictly to the CWA when evaluating proposed memorial legislation and would not support granting exemptions, particularly regarding commemorative works located within the Reserve, in this case they agreed that the legislation appears to be consistent with the original purpose of the First Division Monument and with subsequent Congressional authorizations for additional names. They also recognized that the Society of the First Division has made every effort to respect the integrity of the Monument. Their conclusion was that it would be arbitrary to no longer permit the addition of names at this point. The Commission submitted a letter to the Committee dated August 2, 2018, providing their assessment.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 1727, A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO ALLOW A CREDIT AGAINST INCOME TAX FOR QUALIFIED CONSERVATION CONTRIBUTIONS WHICH INCLUDE NATIONAL SCENIC TRAILS.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you to present the Department of the Interior's views on H.R. 1727, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails.

The Department understands the bill's goal of acquiring the necessary lands or interests in land for national scenic trails, six of which are under the stewardship of the National Park Service. However, we defer to the Department of the Treasury for a position on this bill.

H.R. 1727 would allow a taxpayer who makes a National Scenic Trail conservation contribution to take a tax credit on his or her federal income taxes in an amount equal to the fair market value of the property donated. By allowing a tax credit, the taxpayer would receive the full monetary value of his or her property, just as if he or she had received a direct payment by purchase from the federal government. The bill would require the Secretary of the Interior, in consultation with the Secretary of the Treasury, to study the efficacy of the tax credit in completing, extending, and increasing the number of National Scenic Trails as well as the feasibility of making the tax credit refundable and transferable. The Secretary of the Interior would be required to submit the report to Congress within four years of enactment of the bill.

The Treasury Department, which oversees the tax code, is in a better position to determine whether this proposal would be an effective way to encourage donations of land for trails and whether it represents sound tax policy. From our perspective, we question whether it makes sense, and whether it is fair, to allow a tax credit for donations of land for national scenic trails, while donations of land for other public purposes are eligible only for a tax deduction, which is worth far less to a donor with a significant tax liability than is a tax deduction. Just as there are many incomplete national scenic trails, there are also incomplete national historic trails and units of the National Park System.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS, CONCERNING H.R. 2427, A BILL TO AMEND THE CHESAPEAKE BAY INITIATIVE ACT OF 1998 TO REAUTHORIZE THE CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.

MAY 22, 2019

Chairwoman Haaland, Ranking Member Young, and members of the Subcommittee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on H.R. 2427, a bill to amend the Chesapeake Bay Initiative Act of 1998 to reauthorize the Chesapeake Bay Gateways and Watertrails Network.

The Department recognizes the contributions of the Chesapeake Bay Gateways and Watertrails Network (Network) to enhancing recreation, restoration, and education of the Chesapeake Bay. However, the FY 2020 President’s Budget request does not propose funding for this program. The Department is currently focusing resources on reducing the National Park Service’s \$11.9 billion deferred maintenance backlog and addressing other critical national park needs.

H.R. 2427 would reauthorize the Network to receive \$3,000,000 annually from fiscal 2020 through fiscal 2025. Under current law, the authorization for funding will expire at the end of fiscal 2019.

Authorized as part of the Chesapeake Bay Initiative Act of 1998 (Public Law 105-312), the Network includes 170 refuges, parks, historic sites, trails, and museums working together to foster citizen stewardship of the Chesapeake Bay across six states and the District of Columbia. Through this Act, Congress authorized the National Park Service, as coordinator of the Network, to provide technical and financial assistance in cooperation with other federal agencies, state and local governments, nonprofit organizations, and the private sector to create a network of Chesapeake Bay Gateways and Watertrails sites to enhance interpretation and public access to the Bay and rivers.

The Network has three main objectives: first, to educate people about the Chesapeake Bay and help them learn its stories through place-based interpretive education; second, to facilitate access to the Chesapeake Bay and Chesapeake Bay-related resources; and third, to foster conservation and restoration of the Chesapeake Bay and its rivers, stimulating public understanding of and involvement in stewardship. The Network hosts more than 10 million visitors annually. Through technical and financial assistance, the National Park Service has assisted the Gateways to develop hundreds of partnerships across the watershed to help people understand and appreciate the Chesapeake Bay.

If the Committee decides to act on this legislation, a technical correction is needed to the citation for the Chesapeake Bay Initiative Act of 1998. “Section 502(2)” should be “Section 502(c) and

“16 U.S.C. 461 note” should be “54 U.S.C. 320101 note”.

Ms. Chairwoman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.